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11 January 2008

Bureau of Land Management
Western Oregon Plan Revisions Office
P.O. Box 2965
Portland, OR 97208
Submitted electronically to:
<http://www.daylightdecisions.com/wopro/>

Re: PRC and Expert Comments on Western Oregon Plan Revisions DEIS

Dear Bureau of Land Management:

We thank you for the opportunity to comment on the Draft Environmental Impact Statement for Western Oregon Plan revisions (WOPR). This is a brief cover letter that summarizes our technical and policy concerns about the DEIS, and which are detailed in several attached staff and expert reports. Please enter this letter and all of the reports and additional material submitted with it into the comment record.

Who We Are

PRC is a non-profit conservation organization dedicated to the development and implementation of science-based public policies that protect and restore aquatic ecosystems and the species that depend on them. PRC is incorporated and has its headquarters in the State of Oregon. In 1993, PRC led an environmental coalition to petition for federal protection under the ESA of Pacific coho salmon in Oregon, Washington, Northern California, and Idaho. PRC has over 750 members throughout the United States and Canada. PRC members participate in recreational activities, such as fishing, hiking, backpacking, cross-country skiing, nature photography, and river and lake boating throughout the Pacific Northwest, and, where possible, observe and benefit from wild salmon and steelhead. Many of PRC's members, board members, and staff reside in Oregon, and they cherish, recreate on, and in some cases earn their livelihood from the quality of rivers and streams that are affected by the management of BLM lands.

PRC is particularly concerned about the effective application of scientific knowledge and farsighted public policy to public land and resource planning decisions. Throughout PRC's history we have worked with agencies, scientists, local citizens groups, and political leaders to ensure that public land management is consistent with the conservation of rivers, freshwater ecosystems, and aquatic life. It is our belief that fairness, efficiency and effectiveness in management stem in part from ensuring that planning is grounded by goals consistent with our society's long-held expectation that rivers will remain, or become, clean, healthy, and productive abodes for native fish and wildlife, and will continue to sustain many human uses.

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PRC's Involvement in WOPR

PRC provided scoping comments to the BLM with regard to the WOPR process on October 21, 2005. In those comments we emphasized the need for BLM to carefully justify and thoroughly address both local and regional consequences of any proposed weakening of the Aquatic Conservation Strategy (ACS), Late Successional Reserves (which confer conservation benefit for many critical watersheds), or any other departures from the current Northwest Forest Plan (NWFP). We pointed out that the NWFP's Forest Ecosystem Management Assessment Team (FEMAT) and the FEMAT science document set a benchmark for the current applicable science, as well as the scope and nature of analysis and synthesis that is necessary to justify major planning decisions about forest ecosystems. We regret that the WOPR DEIS exhibits little indication that BLM heeded any of those comments. The WOPR has become dangerously unmoored from society's core expectation that BLM will work to provide clean rivers, high-quality wildlife habitat and healthy fisheries.

BLM's Obligation for Fair and Full Disclosure of Intent and Consequences

BLM has an affirmative duty to rely on the best available scientific information to inform its analyses of the environmental impacts of its proposed alternatives, to fully disclose this information to the public, and to clearly explain the agency's reasoning, including justification of any choice to use a particular analytical method instead of other available, credible, relevant and appropriate analytical methods. BLM cannot fulfill this duty by selectively using or considering only those methods, analyses or information which the agency interprets to least constrain its management preferences – “cherry-picking” in common parlance. Yet, as made plain by the expert reviews we sponsored (included herein), the analyses in the DEIS show a consistent pattern of bias that distorts disclosure and reasoned comparison of alternatives.

Expert reviewers repeatedly noted that the DEIS consistently favored analyses and conclusions that bias the consequences of logging and roads downward, even when more reliable and accepted analytic methods are available. The DEIS relied heavily on “home-grown” analytical models that have not been calibrated, rest on untested and questionable simplifying assumptions, whose error and reliability remain entirely undisclosed, and which BLM has made no attempt to validate with available empirical data. The resulting biases and limitations of analytic models obscure, rather than disclose, likely differences among the alternatives in their net impact on streams and rivers. The experts note that such uncertainties and risks are further compounded by the absence of any plan for credible effectiveness monitoring, which could provide such validation or, in the alternative, allow adaptive management corrections in the event that modeled predictions proved inaccurate. However PRC notes that the DEIS fails to address and accurately interpret the BLM's own monitoring data that are already available concerning the effectiveness of the past decade of management of NWFP lands (see PRC Scoping Comments for sources). Therefore it stretches credibility for PRC to be optimistic that BLM could faithfully implement a future monitoring and adaptive management program even if one were adequately specified in this DEIS.

The DEIS goes beyond cherry picking, in fact, by simply ignoring all accountability for some large and important fields of impact. For example, the DEIS discloses that sediment delivery to

streams from existing ill-designed and poorly maintained roads on BLM lands amounts to about 60,000 cubic yards of sediment per year. That is, on average, the BLM's management already dumps, conservatively estimated, about 4000 dump truck loads of sediment into streams and rivers annually, or about 10 truck loads every day of the year somewhere in Oregon. Yet these regionally significant, unquestionably harmful consequences of massive, ongoing sediment pollution caused by retention and use of the existing road network are not addressed in the DEIS. Nor is any alternative in the DEIS designed purposefully to reduce the ongoing harm that this sediment source produces to rivers, fish and wildlife, including coho salmon and other at-risk species--with the possible exception of the No Action Alternative which retains current NWFP management. However, the current NWFP has been tepidly administered by the BLM over the last decade, thus we question whether the existing road reduction and remediation goals of the NWFP are even being met in most watersheds with BLM lands.

Science Concerns

Please refer to the expert reports contained herein for a wealth of comment and questions about the BLM's scientific assumptions and methods in the DEIS, particularly with regard to effects on watershed processes and riparian and freshwater habitats. The expert reports documented many examples of substantial analytic or logical errors, unrecognized assumptions, misinterpretation of sources, or wholesale omissions of relevant scientific information and sources. Dr. Dale McCullough found the methods used in the DEIS to assess impacts of the alternatives on stream temperature, for example, to be based on erroneous or biased models, and too narrowly defined to account for some of the more significant effects on temperature, such as sediment load and channel morphology and stability, that are themselves affected by the actions proposed in the alternatives (effects not adequately addressed in the DEIS to assess their secondary effect on stream temperature).

Stability of stream flows is a factor specifically identified on the O&C Lands Act. In his examination of the DEIS, hydrologist Jon Rhodes found the analysis of peak flow variation in relation to proposed management actions to be crude, biased by unjustified assumptions, and in ignorance of well-known recent scientific publications. The DEIS failed utterly to disclose well-documented effects of logging on low summer and fall streamflows, an equally significant risk to fish and other aquatic life as well as to human uses. Rhodes also reports consistent bias toward underestimation of flow variation effects in its analyses; because many of these effects are additive, the cumulative magnitude of the bias toward underestimation of adverse effects on flow could be very high, but remains undisclosed.

Dr. William Weaver and Danny Hagans report substantial oversights and flaws in the DEIS analysis of erosion and sedimentation. Sediment introduced to streams and rivers as a consequence of logging, roads, and other ground-disturbing practices is a widespread cause of harm to fish and other aquatic life. Weaver and Hagans report that many sources of sediment to streams that are known to be affected by logging, roadbuilding, road maintenance, fuels treatment, and broadcast burning are not addressed or analyzed in the DEIS. The sum magnitude of these omissions—coupled with their known sensitivity to management measures that vary among the alternatives, means the DEIS is not adequate to allow a reasoned comparison of the alternatives. Weaver and Hagans also provide a point-by-point clarification of the limitations and

weaknesses of Best Management Practices identified in the DEIS for sediment control, pointing out their inherently limited ability to control sediment if they are solely relied on to mitigate for regional or watershed-scale management decisions that increase--or fail to reduce--sources of erosion and delivery of sediment to streams.

In their review of analysis of large wood recruitment to streams, Steve Ralph and Dr. Neil Lassettre similarly emphasize the DEIS's failure to calibrate or verify modeled data against field empirical data, and the lack of any analysis of sensitivity, error, or bias in the analytic models that were devised for the DEIS, and the omission of some important sources of LWD from analyses. The DEIS analysis also failed to account for the significance of current stream conditions in determining how critical and effective future wood recruitment might be to sustaining or restoring fish and other aquatic resources, and does not account for regional differences in treesize and delivery dynamics that may substantially affect outcomes. In PRC's view, rather than affording a clear and reasonable view of differences among alternatives, the sum effect of these flaws is to make highly unreliable the DEIS predictions and obscure the likely effects of reduced stream protection alternatives.

WOPR and its Departure from the NWFP

The WOPR DEIS violates NEPA because it does not adequately describe how the action alternatives will deviate from the Aquatic Conservation Strategy and what the environmental impacts of those deviations will be. In particular, the DEIS does not explain the impacts in light of significant discussion in support of the Aquatic Conservation Strategy in the Northwest Forest Plan Record of Decision, the Northwest Forest Plan Supplemental Environmental Impact Statement, the Forest Ecosystem Management Report, the Biological Opinion on the Northwest Forest Plan conducted in 1997, and watershed analyses conducted to implement the Aquatic Conservation Strategy.

It greatly concerns PRC that the DEIS fails to disclose in a clear manner that the BLM intends to eliminate the Aquatic Conservation Strategy on BLM Lands. It also fails to adequately disclose the environmental impacts and risks of eliminating this cornerstone feature of the Northwest Forest Plan, which was designed to provide for the survival of at-risk resident and anadromous fish populations in the face of a severely degraded environmental baseline. For example, scientific teams involved in the development of the NWFP performed viability analyses on seven stocks of salmonids to determine the percent likelihood that populations would be well-distributed, be restricted to refugia, or become extirpated under each alternative. The BLM should have conducted similar viability analyses to determine the expected outcome of each WOPR action alternative.

The DEIS fails to transparently disclose the specific strategies and action that the BLM will use to replace each aspect or component of the Aquatic Conservation Strategy (ACS) and components that are not specifically part of the ACS, but that were intended to further the goals of the ACS. These aspects and components are:

1. *ACS objectives*: The ACS sets forth nine objectives to prevent aquatic ecosystem degradation and restore aquatic habitat over broad landscapes. The BLM proposes to

- replace these objectives with greatly simplified objectives to protect fish and water and for management in riparian management areas. The BLM has not explained the environmental impacts of this change.
2. *Project-level compliance with the ACS objectives:* The ACS requires the BLM to evaluate each project to determine whether it meets or prevents attainment of the objectives. Management actions not consistent with the ACS objectives are prohibited. The BLM has failed to explain the impacts, including the cumulative effects, of allowing projects across the landscape that would have been prohibited under the ACS because they would not have been consistent with the ACS objectives.
 3. *Riparian management area delineation, including mapping and protection of unstable slopes:* The ACS requires riparian reserve delineation across land allocations. The BLM has provided confusing, contradictory information regarding its intent to require riparian management areas across land allocations, including in late-successional management areas. The explanation is so unclear that it violates NEPA's disclosure requirement. The BLM must also disclose the environmental impacts of any plan to limit delineation of riparian management areas across land allocations. The BLM has also not disclosed the environmental impacts of failing to delineate riparian management areas adjacent to unstable slopes.
 4. *Riparian reserve/ management area widths.* The BLM has failed to adequately disclose the environmental impacts that will result from the severe reduction in riparian buffer widths for all stream types.
 5. *Riparian reserve standards and guidelines.* The BLM has failed to disclose the environmental impacts that will result from eliminating the ACS mandatory standards and guidelines that limit habitat degrading activities in riparian buffers and replacing them with optional management actions and best management practices.
 6. *Key Watersheds.* The BLM has failed to clearly disclose its intention to eliminate key watersheds. It has also failed to effectively explain the environmental impacts of eliminating these critical refugia and failing to replace them with any other strategy for the protection of refugia.
 7. *Watershed Analysis.* The BLM has not disclosed its intentions with regard to the future use of or requirement for watershed analyses, or what the environmental impacts will be if it chooses to disregard and/or fails to update these analyses.
 8. *Watershed Restoration.* The BLM has failed to adequately describe its restoration strategy, the basis for any claims that watershed restoration activities will be comparable under the no action and action alternatives, and the environmental effects of the changed restoration strategy.
 9. *Late-Successional Reserves.* The BLM has failed to explain the impact of decreased late-successional protected areas on aquatic ecosystems.

WOPR and the Endangered Species Act

Under the Endangered Species Act, the BLM has an affirmative duty to conserve species and habitats affected by its management. This duty goes beyond avoidance of "jeopardy" for listed species; it requires the BLM to use its full authority and discretion to advance species conservation purposes independently of mandates under other legal authorities. Furthermore,

when faced with alternative policy choices, the conservation duty compels the BLM to choose the alternative that best achieves species conservation where non-conservation purposes would be equally served. PRC finds that the DEIS does not provide a rational basis to conclude that the BLM will meet its conservation duty by implementing any of the action Alternatives. Although there are 11 ESA listed fish species that may be adversely affected by this proposal, the DEIS does not include analysis to support a “no jeopardy” finding for these salmon, steelhead, suckers, bull trout and chub. A listing proposal will be made for Oregon Coast coho in early February, and a proposal to list will add this ESU to the list of stocks requiring consultation. Because ESA compliance is stated by BLM to be an important, in fact determinative, minimum decision standard for this process, it would best serve public policy to refrain from issuance of any final decision until the public has been afforded the opportunity to review the Biological Opinions that must be prepared by USFWS and NOAA Fisheries for listed species.

WOPR and The Clean Water Act

The BLM has not demonstrated that the proposed deviations from the Northwest Forest Plan and its ACS will provide reasonable assurance of compliance with Clean Water Act requirements, including numeric and narrative water quality criteria, relevant targets in Total Maximum Daily Loads (TMDLs), presumptions against degradation and the full protection of beneficial uses. PRC’s description of the agency’s water quality obligations coupled with conclusions of expert reports demonstrate that the agency’s analysis of impacts on freshwater ecosystems is profoundly flawed and is based on a failure to recognize the full extent of the BLM’s obligation to prevent degradation of water quality, particularly in smaller and non-perennial water bodies. Our comments identify numerous respects in which the BLM’s findings that water quality will be adequately protected by the proposed management do not have a sufficient scientific basis. In sum, the agency has not adequately justified its proposal to abandon an approach we know is capable of meeting water quality standards and which has been approved by EPA for this purpose -- even in watersheds where the current management standards must be water quality restoration plan goals in the form of sediment and temperature TMDLs.

Wild and Scenic Rivers

Wild and Scenic River protection has been an important element of PRC’s conservation mission since our inception. The WOPR DEIS does not adequately evaluate impacts on protected values of designated, eligible or suitable Wild and Scenic Rivers. Specifically, reasonably foreseeable impacts from land management changes within, upslope and/or upstream of river corridors are not disclosed, nor are water quality impaired segments given any consideration. The DEIS does not meaningfully demonstrate how the action alternatives will provide adequate protection to designated, eligible and suitable river segments, nor could we find evidence in the record that BLM considered potential additions to the National Wild and Scenic River System, as required by statute and implementing rules and guidance.

Economics and Community Stability

PRC commissioned an economic report from Ernie Niemi and Sarah Reich of the respected firm EcoNorthwest, to examine the BLM’s interpretation of language in the O&C Lands Act in this

DEIS. The EcoNorthwest Report found that in the DEIS BLM adopted assumptions about economic values and relationships that are not supported by the professional literature, and are contrary to other federal economic studies conducted over the past decade. The DEIS fails to define economic stability in a way consistent with economic theory, and fails to describe the current status and basis of economic stability of local communities and industries. The DEIS instead adopts a tenuous and undefended, simplistic assumption that higher levels of logging and reduced protections for streams and old growth forests will have a positive impact on economic and community stability. Unfortunately this simplistic assumption flies in the face of substantial contrary published evidence and prior conclusions in FEMAT and other federal agency assessments. Because it fails to account in any meaningful way for the mix of benefits and costs that increased logging and reduced environmental protections always bring to economies and communities, the DEIS cannot provide a reasonable basis for concluding that alternatives are more or less beneficial economically or in terms of community stability.

The oft-repeated media claims of certain BLM leadership that the preferred alternative is superior in “promoting community stability” or economic well-being, or that it brings management of BLM lands closer to what was intended under the O&C Lands Act, are professionally dubious, and in our view profoundly mislead the public. We think this rises above a matter of disagreement, to the level of misrepresentation.

Conclusions

The pervasive and systematic biases, flaws, errors, and oversights in this DEIS preclude it serving as an adequate NEPA document. It is our view that BLM must markedly improve these analyses if BLM is to meet its obligation of disclosure and reasoned analysis, and issue a supplemental DEIS before proceeding with a Final EIS and decision. Alternatively, BLM could withdraw the DEIS and revert to NWFP authority.

PRC science and policy staff stand ready to help clarify and discuss any of our comments with your staff—just give us a call. We hope our comments will assist in BLM’s development of a good plan that brings long-term public benefit to Oregon’s forests and rivers.

Sincerely,



John Kober
Executive Director

and on behalf of
David Moryc
American Rivers

Enclosures:

- (1) Pacific Rivers Council Comments on the Draft Environmental Impact Statement for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management Districts, January 11, 2008 (65pp)
- (2) Niemi, Ernie and Reich, Sarah, January, 2008. "Comments on the Draft Environmental Impact Statement for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management Districts." Prepared for Pacific Rivers Council by EcoNorthwest, Eugene, Oregon (9 pp, with additional 12 pages of author vitae)
- (3) McCullough, Dale. January 10, 2008. "Review of the Basis for Riparian Management Relative to Water Temperature Control in the USDI Bureau of Land Management Draft Environmental Impact Statement for its Western Oregon Plan Revisions." (71 pp report, 61 pp figures, 8 pp vitae).
- (4) Weaver, William E. and Danny K. Hagans. January 2008. "Analysis of Erosion and Sedimentation Issues in the Draft Environmental Impact Statement for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management Districts, Prepared for Pacific Rivers Council by Pacific Watershed Associates, Arcata, CA (44 pp, with additional 4 pages of vitae on authors).
- (5) Rhodes, Jonathan J. December 28, 2007. "Review of Stream Flow Analyses in the USDI Bureau of Land Management Draft Environmental Impact Statement for its Western Oregon Plan Revisions. Prepared for Pacific Rivers Council by Planeto Azul Hydrology, Portland, Oregon. (19 pp report, 8 pp vitae).
- (6) Lassettre, Neil and Ralph, Stephen. January, 2008. "Review of LWD recruitment model used within NEPA Draft Environmental Impact Statement (DEIS) for the Revision of Resource Management Plans of the Western Oregon Bureau of Land Management Districts." Technical Memorandum prepared for Pacific Rivers Council by Stillwater Sciences, Seattle, WA (7 pp report, with 6 pp. author vitae).
- (7) Frissell, Chris and Carnefix, Gary. October, 2007. "The Geography of Freshwater Habitat Conservation: Roadless Areas and Critical Watersheds for Native Trout." In Proceedings of Wild Trout IX Symposium, Working Together to Ensure the Future of Wild Trout" (8 pp).
- (8) Swanson, Fred. February 19, 2003. Memorandum to Joyce Casey and Chester Novak regarding ACS-SEIS Scientist Interview, and attachments transmitting interview responses (16 pp) (hard copy only, not included in electronic transmission of comments package)